

ATTACHMENT C

PLAINTIFF'S OUTLINE OF THE CASE

Factual Summary

This is a consumer protection action brought under the Fair Credit Reporting Act (FCRA). The plaintiff in this matter, Tony Smith, applied for a job in September 2012 with Dart Transit Company. On September 12, 2012, the Defendant E-Backgroundcheck.com sold a consumer report about Mr. Smith to Dart as a background check for employment purposes. The consumer report stated that Plaintiff had been convicted of criminal conspiracy, manufacturing and delivering controlled substances, and possession of controlled substances, carrying a firearm without a license, and intent to possess controlled substances. These charges do not pertain to Plaintiff, but to an entirely different person. The presence of this inaccurate and misleading information on the report Defendant sold to the staffing agency caused a delay in Ms. Smith's employment with Dart.

Authorities

Plaintiff's claim arises under FCRA Section 1681e(b) which requires consumer reporting agencies such as Defendant to maintain reasonable procedures to assure the maximum possible accuracy of information contained on the reports it sells about consumers. Plaintiff claim was the subject of a motion for summary

judgment by Defendant, which was denied. Plaintiff, accordingly, refers this Court to its opinion, dated November 5, 2014, which set forth the legal authority relied upon by the Court for Plaintiff's claims and currently serves as the law of the case.

Damages

\$185,000 in actual damages for harm to reputation and emotional distress, including anxiety, humiliation, and embarrassment. Plaintiff claim for damages was also the subject of a motion for summary judgment by Defendant, which was denied. Plaintiff, accordingly, refers this Court to its opinion, dated November 5, 2014, which set forth the legal authority relied upon by the Court for Plaintiff's claimed damages and currently serves as the law of the case.

\$1,000,000 in punitive damages. 15 U.S.C. § 1681n(a)(2)

Reasonable attorney's fees and costs to be claimed by fee petition after trial as provided by the Federal Rules of Civil Procedure. 15 U.S.C. § 1681n(a)(3) and 15 U.S.C. § 1681o(a)(2).; *King v. Asset Acceptance, LLC*, 452 F. Supp. 2d 1272, 1280-81 (N.D. Ga. 2006).